

REMARKS

This is a request for reconsideration filed under 37 C.F.R. 1.116 in response to the final Office Action mailed on September 14, 2010.

Claims 25 to 32 continue to be rejected under the judicially created doctrine of obviousness-type double patenting (ODP) as obvious over claims 1 to 19 of U.S. Patent 6,582,679 B2.

A revised terminal disclaimer disclaiming that portion of the term of any patent that issues from the above-identified U.S. Patent Application, which exceeds the expiration date of U.S. Patent 6,582,679 accompanies this amendment. The revised terminal disclaimer has been filed to overcome the ODP rejection based on claims 1 to 19 of U.S. Patent 6,582,679 B2.

Entry of the revised terminal disclaimer in accordance with 37 C.F.R. 1.116 (e) is respectfully requested. The revised terminal disclaimer is necessary to correct a typographical error in the terminal disclaimer filed on June 22, 2010. The terminal disclaimer filed in June indicated that the owner of the application was Schott AG when in fact the owner is Wella AG. The revised terminal disclaimer correctly indicates that the owner of this application is Wella AG ("AG" means aktiengesellschaft).

For the following reasons and because of the filing of the accompanying revised terminal disclaimer, withdrawal of the rejection of claims 25 to 32 under the judicially created doctrine of obviousness-type double patenting as obvious over claims 1 to 19 of U.S. Patent 6,582,679 B2 is respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawing be further amended or corrected in formal respects to put this case in condition for final allowance, then it is requested that such amendments or corrections be carried out by Examiner's Amendment and the case passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing the case to allowance he or she is invited to telephone the undersigned at 1-631-549-4700.

In view of the foregoing, favorable allowance is respectfully solicited.

Respectfully submitted,



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Reg. No. 27,233